

## **Requirement of a Registered Sanitarian for the design of Food Establishments**

### **A. Statement of Purpose**

**Whereas:** CDC estimates that 76 million people get sick, more than 300,000 are hospitalized, and 5,000 Americans die each year from foodborne illness.

**Whereas:** Sanitarians administer environmental health programs for both public and private agencies and organizations in food protection and safety, water protection, air quality, noise, industrial and land pollution, sewage disposal, hazardous and toxic substances, solid waste management and institutional health.

**Therefore:** Additional precautions must be undertaken to ensure the protection of public health through the sanitary and proper design of all new and remodeled food establishments.

### **B. Authority**

This regulation is promulgated under the authority granted to the Lynn Board of Health under Massachusetts General Laws Chapter 111, Section 31 that "boards of health may make reasonable health regulations."

### **C. Definitions**

For the purposes of this regulation, the following words shall have the meanings respectively ascribed to them by this section:

(1) Board: The Board of Health of the City of Lynn.

(2) Food Establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

This includes;

- (i) satellite or catered feeding location; catering operation if the operation provides food directly to the consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food bank; and
- (ii) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or deliver service that is provided by common carriers.

(3) Person: Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

Sanitarian: An individual, licensed by the Commonwealth of Massachusetts as a Registered Sanitarian as described in 255 CMR 2.000 through 5.000 and whose license is current and in good standing.

NEHA Certified Food Safety Professional (CP-FS): An individual, certified by the National Environmental Health Association as a Food Safety Professional whose certification is current and in good standing.

#### **D. Approval of Plans**

When a plan is required as designated in the 1999 FDA Food Code, Section 8-201.11, sub-sections A through C, said plan shall be stamped and signed by a Registered Sanitarian or a NEHA Certified Food Safety Professional (CP-FS) and submitted to the Board for approval. The aforementioned stamp and signature shall attest to the proper and sanitary design of the proposed food establishment and compliance with section 8-201.12, sub-sections A through F of the 1999 FDA Food Code.

#### **E. Enforcement:**

Failure to submit plans that have been stamped and signed by a Sanitarian shall result in denial of approval of said plans.

#### **F. Variance**

1. The Board of Health may vary the application of any provision of any of these regulations with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice.
2. Every request for a variance shall be made in writing to the Board of Health and shall state the specific variance sought and the reasons thereof.
3. Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the City Clerk and in the office of the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

#### **G. Severability**


1. If any section, paragraph, sentence, clause, phrase, or word of this regulation is declared invalid for any reason, that decision will not be applicable to the remaining portions of these regulations.

## H. Effective Date

This regulation shall take effect on August 1, 2014.

City of Lynn  
Board of Health  
3 City Hall Square  
Lynn, MA 01901

  
\_\_\_\_\_  
Ron Dupuis, Chairman

  
\_\_\_\_\_  
Michael Dewan

  
\_\_\_\_\_  
John Steriti, M.D.

(To be published in the Lynn Item)